

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

SAVANNAH BERGER,

Plaintiff,

v.

REPUBLICAN NATIONAL COMMITTEE,

Defendant.

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Case No. 4:21-cv-00190

**DEFENDANT REPUBLICAN NATIONAL COMMITTEE'S
ANSWER TO PLAINTIFF'S COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Defendant Republican National Committee ("RNC"), and files this Answer to Plaintiff's Complaint, and will show onto this Court as follows:

INTRODUCTION

1. RNC admits that Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. §§ 227 et seq., ("TCPA"). RNC denies violating any provisions of this statute or any other statute.

JURISDICTION AND VENUE

2. RNC lacks knowledge or information sufficient to admit or deny Paragraph 2; therefore, RNC denies the same.

3. RNC admits it conducts business in the state of Texas. RNC lacks knowledge or information sufficient to admit or deny the remainder of Paragraph 3; therefore, RNC denies the same.

4. RNC lacks knowledge or information sufficient to admit or deny Paragraph 4; therefore, RNC denies the same.

PARTIES

5. RNC lacks knowledge or information sufficient to admit or deny Paragraph 5; therefore, RNC denies the same.
6. RNC admits Paragraph 6.
7. RNC admits Paragraph 7.
8. RNC admits Paragraph 8.
9. RNC admits that as a corporation it can only act through agents or employees of the company, but only to the extent that they act upon and within their scope of authority.

FACTUAL ALLEGATIONS

10. RNC admits having a campaign marketing strategy with text messages. RNC denies using an automatic telephone dialing system.
11. RNC lacks knowledge or information sufficient to admit or deny Paragraph 11; therefore, RNC denies the same.
12. RNC denies Paragraph 12.
13. RNC lacks knowledge or information sufficient to admit or deny Paragraph 13; therefore, RNC denies the same.
14. RNC lacks knowledge or information sufficient to admit or deny Paragraph 14; therefore, RNC denies the same.
15. RNC denies Paragraph 15.
16. RNC admits Paragraph 16.
17. RNC denies Paragraph 17.

COUNT I
TELEPHONE CONSUMER PROTECTION ACT 47 U.S.C § 227(B)

18. RNC incorporates the foregoing paragraphs as though fully set forth herein.
19. RNC generally admits Paragraph 19 but denies it is a complete and accurate statement of the law.
20. RNC denies using an automatic telephone dialing system. RNC lacks knowledge or information sufficient to admit or deny the remainder of Paragraph 20, therefore RNC denies the same.
21. RNC admits Paragraph 21.
22. RNC denies Paragraph 22.
23. RNC lacks knowledge or information sufficient to admit or deny Paragraph 23, therefore RNC denies the same.
24. RNC denies Paragraph 24.
25. RNC denies Paragraph 25.
26. RNC denies Paragraph 26.

COUNT II
TELEPHONE CONSUMER PROTECTION ACT 47 U.S.C § 227(C)

27. RNC incorporates the foregoing paragraphs as though fully set forth herein.
28. RNC denies Paragraph 28 as an incomplete and/or inaccurate statement of law.
29. RNC lacks knowledge or information sufficient to admit or deny Paragraph 29, therefore RNC denies the same.
30. RNC denies Paragraph 30.
31. RNC denies Paragraph 31.

32. RNC denies Paragraph 32.

PRAYER FOR RELIEF

33. RNC denies Plaintiff is entitled to any relief or damages.

JURY DEMAND

34. RNC admits Plaintiffs seek a trial by jury in this matter.

AFFIRMATIVE DEFENSES

37. Plaintiff's damages, if any were pre-existing damages not caused by Defendant.

38. Plaintiff has failed to mitigate damages if any.

39. Plaintiff proximately caused his own damages, if any

40. Plaintiff's damages, if any, were caused by a third party over which Defendant had no control.

41. Plaintiff has not suffered a concrete, injury-in-fact.

WHEREFORE, PREMISES CONSIDERED, Defendant Donald J. Trump for President, Inc. respectfully request this Court to dismiss Plaintiff's claims in its entirety and to award Defendant any relief, in law or equity, to which Defendant is justly entitled.

Dated: May 6, 2021.

Respectfully submitted,

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MALONE FROST MARTIN PLLC

/s/ Xerxes Martin

EUGENE XERXES MARTIN, IV

State Bar No. 24078928

Email: xmartin@mamlaw.com

JACOB MICHAEL BACH

State Bar No. 24100919

Email: jbach@mamlaw.com

MALONE FROST MARTIN PLLC

Northpark Central, Suite 1850

8750 North Central Expressway

Dallas, Texas 75231

TEL: (214) 346-2630

FAX: (214) 346-2631

COUNSEL FOR DEFENDANT

REPUBLICAN NATIONAL COMMITTEE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been forwarded through the **CM/ECF System** on this May 6, 2021 to the following recipients:

Amy Ginsburg
Kimmel & Silverman, P.C.
30 East Butler Pike
Ambler, PA 19002
P: (215)540-8888
F: (877) 788-2864
teamkimmel@creditlaw.com

Attorney for Plaintiff

/s/ Xerxes Martin

XERXES MARTIN